

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

December 6, 2002

1

OFFICE OF
MANAGING DIRECTOR

David A. O'Connor
Counsel for RSL COM U.S.A., Inc.
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006

RE: Request for Waiver of 2002
Regulatory Fees
Fee Control No. 0208218835354003

Dear Mr. O'Connor:

This is in response to the request for waiver of Fiscal Year (FY) 2002 regulatory fees, filed on behalf of RSL COM U.S.A.(RSL).

In your petition, you state that on March 16,2001, RSL filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code in the Southern District of New York. You also state that throughout calendar year 2002, RSL has continued to operate under the bankruptcy protection of the court.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership is sufficient to establish financial hardship. See Implementation of Section 9 of the Communication Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees who stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have submitted information showing that RSL has been the subject of Chapter 11 bankruptcy proceedings since March 16,2001. Therefore, your request for waiver of the FY 2002 regulatory fees for RSL granted. Accordingly, we are reimbursing RSL in the amount of \$49,664.76, the amount that RSL submitted to the Commission on August 19,2002, in payment of its 2002 FCC regulatory fee obligations. A check made payable to the maker of the original check, will be sent to you at the earliest practicable time.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



A. Regan

Chief Financial Officer

HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

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ORIGINAL
2007 AUG 23 A 8:30

ACCOUNT PROCESSING
GROUP-DPT/RPT/TMT

RECEIVED

DAVID A WCONNOR
202-828-1889

AUG 20 2002

Internet Address:
doconnor@hklaw.com

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

August 20, 2002

VIA HAND DELIVERY

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
236 Massachusetts Ave., NE
Suite 110
Washington, DC 20002

ATTN: OFFICE OF MANAGING DIRECTOR

Re: RSL COM U.S.A., Inc.
Request for Waiver of 2002 Regulatory Fee

Dear Ms. Dortch

Transmitted herewith, on behalf of RSL COM U.S.A., Inc., are an original and four **(4)** copies of its Request for Waiver of the Commission's 2002 regulatory fee. No filing fee is required pursuant to the Commission's rules.

An extra copy of the filing is enclosed. Please date-stamp the **copy** and return it to the courier for return to me.

If you have any questions, please contact the undersigned.

Respectfully submitted,

Y. A. O. —

David A. O'Connor
Counsel for RSL COM U.S.A., Inc.

Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

RECEIVED

In the Matter of)
)
Request for Waiver of 2002)
Regulatory Fee by)
RSL COM U.S.A., Inc.)

AUG 20 2002

OMD Docket No. _____ FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Managing Director, Office of Managing Director

REQUEST FOR WAIVER OF 2002
REGULATORY FEE

RSL COM U.S.A., Inc. ("RSL"), by its attorneys and pursuant to Sections 1.1117(c), 1.1166(a) and 1.1166(c) of the Commission's rules, 47 C.F.R. §§ 1.1117(c), 1.1166(a), (c), hereby petitions the Managing Director of the Office of Managing Director ("OMD") for a waiver of the Commission's 2002 regulatory fee requirement and for reimbursement of the regulatory fee paid by RSL on August 19, 2002. RSL requests this waiver and reimbursement because during 2002 the company has been operating under bankruptcy protection.

Specifically, on March 16, 2001, RSL filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code in the Southern District of New York. A copy of the voluntary petition is attached hereto as Exhibit 1. Throughout calendar year 2002, RSL has continued to operate under the bankruptcy protection of the court.

On August 19, 2002, RSL submitted a *check* to the Commission in the amount of \$49,664.76, in payment of its 2002 FCC regulatory fee obligations. A copy of the payment and FCC Form 159 is attached hereto as Exhibit 2.

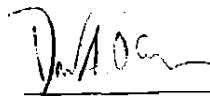
Commission precedent establishes that the bankrupt status of a company constitutes good cause for waiver of regulatory fees. See Implementation *of* Section 9 *of the* Communications Act Assessment and Collection *of* Regulatory Fees *for* the 1994 Fiscal Year, 10 FCC Rcd **12759**, 12762 (1995) (finding evidence *of* bankruptcy or receivership sufficient to establish financial hardship for purposes of waiver of regulatory fees); see also *Mobilemedia* Corp., Memorandum Opinion and *Order*, FCC **99-15**, 14 FCC Rcd **8017**, para. **40** (rel. Feb. **5**, **1999**) (waiver of FCC filing fees justified where company is in bankruptcy). Moreover, waiver of the fee will serve the public interest by enabling RSL to preserve assets that will accrue *to* innocent creditors.

Accordingly, for the reasons set forth above, RSL requests the return of the **\$49,664.76** payment it made to the Commission on August **19, 2002**.

Respectfully submitted,

RSL COM U.S.A., Inc.

By:



David A. O'Connor, Esq.
Its Attorney

Holland & Knight LLP
2099 Pennsylvania Ave., NW
Suite 100
Washington, DC 20006
(202) 828-1889

August **20, 2002**

EXHIBIT 1

JtAdm, CLMAGT

**U.S. Bankruptcy Court
Southern District of New York (Manhattan)
Bankruptcy Petition #. 01-11469-alg**

Assigned to: Judge Allan L. Gropper
Chapter 11
Voluntary
Asset

Date Filed: 03/16/2001

RSL COM U.S.A., Inc.
1001 Brinton Road
Pittsburgh, PA 15221
Tax id: 11-3044583
Debtor

Allison H. Weiss
LeBoeuf, Lamb, Greene & MacRae, LLP
125 West 55th Street
New York, NY 10019
(212) 424-8069
Fax : (212) 424-8500
Email: Bankrup@llgm.com

represented by

Ira A. Reid
LeBoeuf, Lamb, Greene & MacRae, LLP
125 West 55th Street
New York, NY 10019-5389
(212) 424-8550
Fax : (212) 424-8500
Email: Bankrupt@llgm.com

Filing Date	#	Docket Text
0311612001	1	Voluntary Petition (Chapter 11). Order for Relief Entered. filed by Allison H. Weiss of LeBoeuf, Lamb, Greene & MacRae, LLP on behalf of RSL COM U.S.A., Inc.. (Attachments: # <u>1</u> Exhibit A to Voluntary Petition# <u>2</u> Affidavit of Michael A. Marino Pursuant to Rule 1007-2 of the Local Bankruptcy Rules# <u>3</u> Exhibit s one through 7 (excluding Exh. 5)# <u>4</u> Exhibit 5# 5 Exhibit 8)(Weiss, Allison) (Entered: 03/16/2001)
03/16/2001	2	Motion for Joint Administration tiled by Allison H. Weiss of LeBoeuf, Lamb, Greene & MacRae, LLP on behalf of RSL COM U.S.A., Inc.. (Attachments: # <u>1</u>

		Proposed Order) (Weiss, Allison) (Entered: 03/16/2001)
03/19/2001	<u>3</u>	Notice of Appearance <i>And Demand For Notices and Papers</i> filed by Darryl S. Laddin of Arnall Golden & Gregory, LLP on behalf of Verizon Operating Telephone Companies. (Laddin, Darryl) (Entered: 03/19/2001)
03/19/2001		Receipt of Voluntary Petition Filing Fee (Chapter 11). Receipt Number 115147 (Cantrell, Deirdra) (Entered: 03/19/2001)
03/20/2001	<u>4</u>	Order Signed on 3/19/2001 Granting Motion for Joint Administration for Cases 01-11457 and 01-11469. Directing All Docket Entries to be Made in Lead Case #01-11457. (Related Doc # <u>2</u>)(Bush, Brent) (Entered: 03/20/2001)
03/21/2001	<u>5</u>	Matrix <i>/List of All creditors of RSL COM U.S.A., Inc.</i> , filed by Ira A. Reid of LeBoeuf, Lamb, Greene & MacRae, LLP on behalf of RSL COM U.S.A., Inc.. (Reid, Ira) (Entered: 03/21/2001)
03/29/2001	<u>6</u>	Appointment of Official Creditors' Committee <i>of Unsecured Creditors</i> filed by Paul Kenan Schwartzberg of Office of the United States Trustee on behalf of United States Trustee. (Schwartzberg, Paul) (Entered: 03/29/2001)
05/03/2001	<u>7</u>	Amended Appointment of Official Creditors' Committee <i>of Unsecured Creditors</i> filed by Paul Kenan Schwartzberg on behalf of United States Trustee. (Schwartzberg, Paul) (Entered: 05/03/2001)
05/08/2001	<u>8</u>	Second Appointment of Official Creditors' Committee <i>of Unsecured Creditor (Second Amended)</i> filed by Paul Kenan Schwartzberg on behalf of United States Trustee. (Schwartzberg, Paul) (Entered: 05/08/2001)

PACER Service Center			
Transaction Receipt			
08/16/2002 14:14:47			
PACER Login:	dd0011	Client Code:	095000-61800/lh
Description:	Docket Report	Case Number:	01-11469-alg
Billable Pages:	1	Cost:	0.07

EXHIBIT 2

Federal Communications Commission

Interstate Telephone Service Provider Regulatory Fee

Please date stamp and return to
HOLLAND & KNIGHT LLP

Approved by OMB
3060-0949

This packet contains the 2002 FCC Regulatory Fee Worksheet Form 159-W and a Remittance Advice Form 159. The FCC Form 159-W worksheet below has been completed using information from your previously submitted FCC Form 499-A. If any of this information is incorrect, please enter the **correct** figures on the blank worksheet enclosed and **recalculate** your regulatory fee. If all FCC regulatory fees that you owe total less than \$10, you are not required to file or remit payment. Otherwise, remit the fee either with this page, or with a completed Remittance Advice Form 159 and a correct Regulatory Fee Worksheet FCC 159-W.

Attention:

Filing **must** be received by September 25, 2002. See Public Notice.

1674 RSL COM U.S.A.
1001 Britton Road
Pittsburgh, PA 15221

FCC/MELLON

AUG 19 2002

If the revenue information on this page is correct, You may sign in Block (30) and submit this page in lieu of a separate Remittance Advice Form 159 and Form 159-W Regulatory Fee Worksheet

Block (22) - Applicant TIN

11-3044583

Please Verify
TIN and FRN

Block (21) - Applicant FRN - CORESID

0003-5102-52

Block (23A) - FCC Call Sign/Other ID
[Filer 499 ID] - [Fee Year]

809836-2002

Block (24A) - Payment Type Code

0272

Block (25A) - Quantity

Your regulatory fee base

\$32,460,616.00

Block (27A) - Total Fee

\$49,664.74

Block (28A) - FCC CODE 1

[Interstate & Int'l. end-user revenues]

\$32,460,616.00

Block (29A) - FCC CODE 2

[excluded interstate end-user revenues]

\$0.00

FCC Form 159-W Regulatory Fee Worksheet (based on your FCC Form 499-A filing)

Calendar year 2001 revenue information shown in whole dollars	
1	Service provided by U.S. carriers that both originates and terminates in foreign points. FCC Form 499-A Line 412 (c)
	\$0.00
2	Interstate end-user revenues from all telecommunications services. FCC Form 499-A Line 420 (d)
	\$19,837,043.00
3	International end-user revenues from all telecommunications services except international-to-international. FCC Form 499-A Line 420 (e)
	\$12,623,573.00
4	Total interstate and international end-user revenues (Sum of Lines 1, 2 and 3) Note: also enter this number on Block (28A) - "FCC Code 1".
	\$32,460,616.00
5	End-user interstate mobile service monthly and activation charges. FCC Form 499-A Line 409 (d)
	\$0.00
6	End-user international mobile service monthly and activation charges. FCC Form 499-A Line 409 (e)
	\$0.00
7	End-user interstate mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A Line 410 (d)
	\$0.00
8	End-user international mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A Line 410 (e)
	\$0.00
9	End-user interstate satellite service. FCC Form 499-A Line 416 (d)
	\$0.00
10	End-user international satellite service. FCC Form 499-A Line 416 (e)
	\$0.00
11	Surcharges on mobile and satellite services identified as recovering universal service contributions and included in Line 403 (d) or 403 (e) on your FCC Form 499-A. [Note: you may not include surcharges applied to local or toll services, nor any surcharges identified as intrastate surcharges.]
	\$0.00
12	Interstate and international revenues from resellers that do not contribute to USF. Form 499-A Line 511 (b)
	\$0.00
13	Total excluded end-user revenues. (Sum Lines 5 through 12.) Note: also enter this number on Block (29A) - "FCC Code 2".
	\$0.00
14	Total subject revenues. (Line 4 minus Line 13) Note: also enter this number on Block (25A) - "Quantity".
	\$32,460,616.00
15	Interstate telephone service provider fee factor
	0.00153
16	2001 Regulatory Fee (Line 14 times Line 15)* Note: also enter this number on Block (27A) - "Total Fee"
	\$49,664.74

* You are exempt if you owe less than \$10 for all FCC reg. fees. If the above figures are correct, you may certify and use this page in lieu of completed Forms 159 & 159-W.

Block (30)

I, David A. O'Connor CERTIFY under penalty of perjury that the foregoing and supporting information is true and correct to the

(please print)

best of my knowledge, information and belief. (Signature) DA.OC (Date) 08/19/2002

☐ MasterCard ☐ Visa ☐ Discover ☐ AmEx Credit Card # _____ Expir. Date _____

I hereby authorize the FCC to charge my credit card above for the services/authorizations herein described

<See Public Notice for other payment options> (Signature) _____ (Date) ____/____/2002

If the above revenue data does not correspond to your 499-A filing please contact the Form 499-Dau Collection Agent at 973-560-4460

Attention: Filing must be received by September 25, 2002. See Public Notice.

FCC FORM 159-W

July 2001

Law Offices

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August 19, 2002

DAVID A. O'CONNOR
202-828-1889

Internet Address: doconnor@hklaw.com

VIA CAPITAL FILING SPECIALISTS

Federal Communications Commission
Regulatory Fees
P.O. Box 358835
Pittsburgh, PA 15251-5835

Re: RSL COM U.S.A., Inc.
2002 Annual Regulatory Fee Payment

Dear Sir or Madam:

Transmitted herewith, on behalf of RSL COM U.S.A., Inc. ("RSL USA"), are an original of its Remittance Advice and a check in the amount of \$49,664.74 in payment of its 2001 Federal Communications Commission Regulatory Fee.

Please note that **all** future correspondence concerning RSL USA should be addressed as follows:

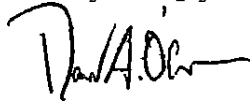
David A. O'Connor
Holland & Knight LLP
2099 Pennsylvania Avenue, NW, Suite 100
Washington, DC 20006-6801

It is requested that a stamped file copy of the enclosed **filing** be returned to us by our courier.

Federal Communications Commission
August 19, 2002
Page 2

In the event that there *are* any questions **concerning** this payment, please contact the undersigned or Linda Hartman of **this office**, at 202-457-1836.

Very truly yours,

A handwritten signature in black ink, appearing to read "D.A.O'Connor", with a stylized flourish at the end.

David A. O'Connor

Enclosures

I, David A. O'Connor certify that the FCC Registration Number (FRN) listed below is true **and** correct to the best of my knowledge, information and belief.

0	0	0	3	-	5	1	-	0	2	5	2
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[illegible]



Non-Public For Internal Use Only

RAMIS ACCOUNT RECEIVABLES

Friday, August 30

Check Number Query Report

FEE Control Number :	0208218835354003		
Check Number :	857220000000	Customer FRN :	9999999982
Receipt Amount :	\$49,664.74	Date Received :	08/19/2002

File Screen Page Locate Column Options Help Quit
.....|.....1.....|.....2.....|.....3.....|.....4.....|.....5... Non-Report File has 16 lines ..|.....9.....|.....10....|. AR012-A
8/30/2002 RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
9:06:15 RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

CD No.	CD DATE	FEE CONTROL NO.	FRN	PAYER NAME	TR
560535	8/21/02	0208218835354003	9999999982	GENERIC FRN	

Seq: 1 Call Sign: 8098362002 FCC Code 1: 3246061600 FCC Code 2: 000
PTC: 0272 QTY: 3246061600 Applied Amt: 49664.74
Applicant Name: RSL COM U S A
Address: 1001 BRITTON ROAD

-- End of Report -- Total: